

[Counsel listed on next page]

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

CYNTHIA BROOKS, and JACOB SWOYER )  
on Behalf of Themselves and All Others )  
Similarly Situated, )

Plaintiffs,

V.

U.S. BANK, N.A.,

Defendant.

**Case No. C12-4935 EMC (JSC)**

[Assigned for all purposes to the Honorable  
Edward M. Chen]

**REVISED STIPULATION REGARDING  
HEARING AND CASE MANAGEMENT  
CONFERENCE DATE; [PROPOSED]  
ORDER**

Complaint Filed August 21, 2012

1 Eve H. Cervantez (SBN 164709)  
2 ALTSHULER BERZON LLP  
3 177 Post Street, Suite 300  
4 San Francisco, CA 94108  
5 Tel. (415) 421-7151  
6 Fax (415) 362-8064  
7 Email: ecervantez@altber.com

8 Harvey Sohnen (SBN 62850)  
9 Patricia Kelly (SBN 99837)  
10 LAW OFFICES OF SOHNEN & KELLY  
11 2 Theatre Square, Suite 230  
12 Orinda, CA 94563  
13 Tel. (925) 258-9300  
14 Fax (925) 258-9315  
15 Email: netlaw@pacbell.net

16 Attorneys for Plaintiff

17 Joan B. Tucker Fife (SBN: 144572)  
18 jfife@winston.com  
19 Emily C. Schuman (SBN: 271915)  
20 eschuman@winston.com  
21 WINSTON & STRAWN LLP  
22 101 California Street, Suite 3900  
23 San Francisco, CA 94111  
24 Telephone: 415-591-1000  
25 Facsimile: 415-591-1400

26 Emilie C. Woodhead (SBN: 240464)  
27 ewoodhead@winston.com  
28 WINSTON & STRAWN LLP  
333 South Grand Avenue, Suite 3800  
Los Angeles, CA 90071-1543  
Telephone: (213) 615-1700  
Facsimile: (213) 615-1750

Attorneys for Defendant  
U.S. BANK, N.A.

1 Plaintiffs CYNTHIA BROOKS and JACOB SWOYER (collectively “Plaintiffs”) and  
2 Defendant U.S. BANK, N.A. (“Defendant”) (collectively “Parties”) hereby stipulate as follows:

3 **WHEREAS**, on September 23, 2013, the Parties informed the Court that they expected to  
4 enter into a written settlement agreement and would submit a motion for preliminary approval of that  
5 settlement, and therefore requested that certain case deadlines be continued and/or stayed (Dkt. 40);

6 **WHEREAS**, on September 24, 2013, the Court approved the Parties’ joint stipulation re-  
7 setting Defendant’s deadline to file its reply in support of its Motion to Dismiss and/or Strike to  
8 November 21, 2013, with a hearing and case management conference set for December 5, 2013  
9 (Dkt. 41);

10 **WHEREAS**, on November 15, 2013, the Court *sua sponte* re-set the hearing on Defendant’s  
11 Motion to Dismiss and/or Strike and the Parties’ case management conference to December 10, 2013  
12 at 1:30 p.m. (Dkt. 42);

13 **WHEREAS**, Defendant’s counsel is unavailable on that date and the Parties met and  
14 conferred regarding availability on other dates and times;

15 **WHEREAS**, the Parties submitted a stipulation to the Court on November 20, 2013  
16 requesting an order to re-set the case management conference, Motion to Dismiss and/or Strike reply  
17 and hearing deadlines, and to schedule the preliminary approval hearing to specific dates (Dkt. 43);

18 **WHEREAS**, the Court’s clerk emailed the Parties on November 22, 2013, notifying the  
19 Parties that the Court is not available on the dates proposed by the Parties’ stipulation (Dkt. 43),  
20 requesting the Parties to meet and confer and submit a revised stipulation to the Court, and advising  
21 that the Court is available on January 23, 2014 and February 6, 2014 for the preliminary approval  
22 hearing if Plaintiffs file a motion for preliminary approval on December 12, 2013;

23 **WHEREAS**, the Parties met and conferred and determined that both Parties are available for  
24 both a case management conference and preliminary approval hearing on February 6, 2014;

25 **NOW, THEREFORE**, the Parties hereby stipulate to and request an Order setting forth the  
26 following:  
27  
28

1. The Parties' case management conference is re-scheduled to February 6, 2014 at 1:30 p.m.;
2. Plaintiffs will file a Motion for Preliminary Approval of the proposed settlement no later than December 12, 2013;
3. Defendant will not oppose Preliminary Approval of the proposed settlement;
4. The Court will hear Plaintiffs' Motion for Preliminary Approval of the proposed settlement on February 6, 2013 at 1:30 p.m.;
5. The deadline for Defendant to file its reply brief in support of its Motion to Dismiss and/or Strike is postponed until February 27, 2014, with the understanding that this deadline shall be indefinitely continued if the Court grants Plaintiffs' Motion for Preliminary Approval; and
6. The hearing on Defendant's Motion to Dismiss and/or Strike is re-scheduled to March 6, 2014 at 1:30 p.m. or another day and time agreeable to the Court, with the understanding that this hearing shall be indefinitely continued if the Court grants Plaintiffs' Motion for Preliminary Approval.

///

///

///

///

///

///

///

///

///

///

///

///

1 Dated: November 22, 2013

Dated: November 22, 2013

2 By: /s/ Eve H. Cervantez  
Eve H. Cervantez

By: /s/ Joan B. Tucker Fife  
Joan B. Tucker Fife

3  
4 *Pursuant to N.D. Cal. L.R. 5-1(i)(3), the filer*  
5 *attests that concurrence in the filing of this*  
6 *document has been obtained from the above*  
7 *signatory.*

8 Harvey Sohnen (SBN 62850)  
9 Patricia Kelly (SBN 99837)  
10 LAW OFFICES OF SOHNEN & KELLY  
11 2 Theatre Square, Suite 230  
12 Orinda, CA 94563  
13 Tel. (925) 258-9300  
14 Fax (925) 258-9315  
15 Email: netlaw@pacbell.net

16 Eve H. Cervantez (SBN 164709)  
17 Danielle Leonard (SBN 218201)  
18 Laura S. Trice (SBN 284837)  
19 ALTSHULER BERZON LLP  
20 177 Post Street, Suite 300  
21 San Francisco, CA 94108  
22 Tel. (415) 421-7151  
23 Fax (415) 362-8064  
24 Email: ecervantez@altber.com

25 Attorneys for Plaintiff

Joan B. Tucker Fife (SBN 144572)  
jfife@winston.com  
Emily C. Schuman (SBN: 271915)  
eschuman@winston.com  
WINSTON & STRAWN LLP  
101 California Street, Suite 3900  
San Francisco, CA 94111  
Tel. (415) 591-1000  
Fax (415) 591-1400

Emilie C. Woodhead (SBN 240464)  
WINSTON & STRAWN LLP  
333 South Grand Avenue, Suite 3800  
Los Angeles, CA 90071-1543  
Tel. (213) 615-1700  
Fax (213) 615-1750  
Email: ewoodhead@winston.com

Attorneys for Defendant U.S. Bank, N.A

**ORDER**

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: November<sup>26</sup>\_\_\_\_, 2013

